

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

VIVORENE JONES)	
Claimant)	
VS.)	
)	
KANSAS CITY KANSAS COMMUNITY COLLEGE)	
Respondent)	Docket No. 264,766
)	
AND)	
)	
TIG INSURANCE COMPANY)	
KANSAS ASSOCIATION OF SCHOOL BOARDS)	
WORKERS COMPENSATION FUND)	
Insurance Carriers)	

ORDER

Respondent and Kansas Association of School Boards Workers Compensation Fund (KASB) appeal from a preliminary hearing Order entered by Administrative Law Judge (ALJ) Julie A.N. Sample on December 9, 2002.

ISSUES

The issue on appeal is the date of accident or, stated another way, which of respondent's two insurance carriers is responsible for paying claimant's preliminary hearing benefits.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments, the Appeals Board (Board) concludes that the issue raised on appeal is not a jurisdictional issue. As a

consequence, the Board does not have jurisdiction to review the issue at this stage of the proceedings.

On an appeal from a preliminary hearing order, the Board is limited to review of allegations that the ALJ exceeded his/her jurisdiction. K.S.A. 44-551. This includes review of issues identified in K.S.A. 44-534a as jurisdictional issues. On the current appeal, there is no dispute that claimant's current need for temporary total disability compensation and medical treatment is the result of an injury that arose out of and in the course of her employment with respondent. The only questions are date or dates of accident, and, as a result, which insurance carrier is liable for benefits. Respondent and KASB contend the ALJ erred when she found the date of accident was during KASB's period of coverage. This contention does not raise one of the issues identified in K.S.A. 44-534a and does not otherwise constitute an allegation that the ALJ exceeded her jurisdiction.

WHEREFORE, this appeal of the preliminary hearing Order entered by Administrative Law Judge Julie A.N. Sample on December 9, 2002, is dismissed.

IT IS SO ORDERED.

Dated this _____ day of March 2003.

BOARD MEMBER

c: Michael W. Downing, Attorney for Claimant
Frederick J. Greenbaum, Attorney for Respondent and KASB
Thomas R. Hill, Attorney for Respondent and TIG
Julie A.N. Sample, Administrative Law Judge
Director, Workers Compensation Division